

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **February 6, 2007**

RE: **Analysis Report**

Balances As Of:	<u>1/31/07</u>	<u>2/1/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$21,260,307	\$22,356,763
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,131,038	\$26,413,198
USD	\$12,243,660	\$8,770,800
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$37,753,270	\$17,566,775

* Assumes estimated revenues in fiscal year 2007 in the amount of \$11,802,911

– RESOLUTIONS –

RESOLUTION NO. RS2007-1712 (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$368,700 from the Greater Nashville Regional Council to the Metropolitan social services commission for homemaker and nutrition services. These funds are used to provide home delivered meals to homebound persons, as well as homemaker and personal care services. Metro social services will be reimbursed \$6.64 per meal and \$21.50 per hour for homemaker and personal care services. The term of the grant is from July 1, 2006 through June 30, 2007.

RESOLUTION NO. RS2007-1730 (RYMAN) – This resolution modifies the existing master list of architectural and engineering firms to add seven firms. The Metro Code provides that all government contracts for architect and engineering services be with firms included on the master list. This resolution simply adds this firm to the master list so that they will be eligible to bid on Metro projects. It does not mean that contracts will be awarded to the firm.

The architect/engineering firms to be added to the list are as follows:

- InForm Smallwood & Nickle, LLC of Nashville, Tennessee
- Ashworth Environmental Design of Nashville, Tennessee
- Buchanan Consulting Engineers, LLC of Nashville, Tennessee
- American Consulting Engineers, PLC of Nashville, Tennessee
- JV Engineering, Inc. of Nashville, Tennessee
- URS Corporation of Franklin, Tennessee
- Earth Tech, Inc. of Oak Ridge, Tennessee

RESOLUTION NO. RS2007-1731 (RYMAN & NEIGHBORS) – This resolution approves a grant in the amount of \$27,900 from the state of Tennessee to the Davidson County election commission for voting machine training expenses. These funds are to reimburse the election commission for expenses associated with training county election officials about the proper procedures to implement the new electronic voting machines and educating voters about the proper procedures for casting their ballot correctly. The term of the grant is from October 1, 2006 through March 31, 2007.

RESOLUTION NO. RS2007-1732 (ISABEL & RYMAN) – This resolution approves a grant in the amount of \$5,000 from the state department of transportation to the Metropolitan parks and recreation department for traffic safety programs. These federal pass-through funds will be used to purchase radar/laser detectors and other equipment to promote and enforce safe driving speeds in the Metro parks. The term of the grant is from October 1, 2006 through September 30, 2007.

RESOLUTION NO. RS2007-1733 (GILMORE & RYMAN) – This resolution approves an annual grant in the amount of \$401,900 from the state department of health to the Metropolitan board of health for implementation of the state immunization program. The term of this grant is from January 1, 2007, through December 31, 2007. This grant, comprised of \$131,900 in state funds and \$270,000 in federal pass-through funds, will be used to pay the salaries of health department employees who provide the immunization services.

RESOLUTION NO. RS2007-1734 (RYMAN) – This resolution approves an application for a grant in the amount of \$150,000 from the U.S. department of justice to the Metropolitan police department for the gang resistance education and training (GREAT) program. The GREAT program is a school-based curriculum taught by police officers to middle school students. The primary goal of GREAT is to prevent youth delinquency, violence and gang membership. If awarded these grant funds will be used as follows:

- \$42,307.29 in personnel costs and fringe benefits
- \$2,644 in travel expenses
- \$65,336.31 for supplies, including T-shirts and other incentives
- \$39,712 in other program expenses

RESOLUTION NO. RS2007-1735 (RYMAN) – This resolution approves an agreement between the U.S. bureau of immigration and customs enforcement (ICE) and the Metropolitan Government for the reimbursement of certain expenses incurred by the police department. Pursuant to federal law, the Metro police department is eligible to receive reimbursement from the federal government for officer overtime expenses associated with the police department's participation in joint operations and investigations with ICE. The term of this agreement expires on September 30, 2007. The agreement provides that Metro may be reimbursed up to \$15,000 for each officer assigned to the joint operation.

RESOLUTION NO. RS2007-1736 (RYMAN) – This resolution approves a grant in the amount of \$1,325,936.06 from the Tennessee emergency management agency to the mayor's office of emergency management to sustain key homeland security programs. These grant funds were included in a previous grant approved in 2004, and extended in 2006. The resolution simply approves a new grant for the amount of funds remaining so that they can be drawn down from the federal government. These grant funds are for the purpose of completing a strategy implementation plan to detect, prevent, and protect citizens from the threat of terrorism, and to respond to terrorist attacks.

RESOLUTION NO. RS2007-1737 (HART, BROWN & RYMAN) – This resolution authorizes the director of public property administration to exercise an option to purchase a flood prone parcel of property located at 2826 Brunswick Drive. This purchase is part of the department of water services' on-going program to purchase flood prone properties using federal grant funds. Metro has received approximately \$2 million in federal funds for this program. Metro has an option to purchase this property for \$65,500.

RESOLUTION NO. RS2007-1738 (RYMAN) – This resolution accepts a donation of exercise equipment from Vanderbilt University to the Metropolitan Nashville police department. The equipment to be donated is valued at \$1,575, and consists of five weight trees, two squat racks, a Nautilus assisted dip machine and a Cybex leg press. Pursuant to Ordinance No. BL2006-1015, donations of items valued at less than \$5,000 may be approved by resolution. Donations in excess of \$5,000 must be approved by ordinance.

RESOLUTION NOS. RS2007-1739 THROUGH RS2007-1748 – These ten resolutions appropriate funds from the council discretionary reserve account. The council appropriated \$1.95 million as part of the fiscal year 2006-2007 substitute operating budget to a reserve account for the council infrastructure program, nonprofit grants and other council initiatives. It was anticipated that each of the forty council members have \$48,750 in “discretionary funds” to be appropriated from the reserve account at a later date.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

Eight of these ten resolutions give grants to nonprofit organizations. The eight organizations to receive funding through these resolutions have provided the necessary information required by both state and local law. Additional resolutions will be forthcoming once members of council inform the council office as to how they wish to have their funds allocated and all of the required information has been received.

RESOLUTION NO. RS2007-1739 (WILLIAMS) appropriates \$1,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Homework Hotline. This organization provides free one-on-one academic assistance, by phone, to students or their parents. These funds will be used to pay a portion of the telephone costs to provide this service.

RESOLUTION NO. RS2007-1740 (DREAD) appropriates \$2,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to CASA, Inc. This organization provides training and supervision of volunteers who act as advocates for children suffering from abuse and neglect. These funds will be used to pay for a portion of the salaries of the paid staff.

RESOLUTION NO. RS2007-1741 (COLE) appropriates \$3,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to MANNA, Inc. This organization provides food stamp assistance for low-income residents of Davidson County as well as oversight of the Child Care Food Program for small independent day care providers. These funds will be used to pay a portion of the travel and supply costs for MANNA, Inc. staff to make presentations about food stamp eligibility at various sites.

RESOLUTION NOS. RS2007-1739 THROUGH RS2007-1748 (continued)

RESOLUTION NO. RS2007-1742 (TUCKER, GILMORE) appropriates \$3,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Education Equal Opportunity Group, Inc. This organization provides educational and professional learning opportunities for at-risk junior high, high school, and college students. These funds will be used to sponsor nine students from Metro public high schools to participate in the 6th Annual Project Save-A-Student Leadership and Training Conference, as well as funding the Educational Speaker Series post follow-up training sessions.

The members of council requesting this grant and the amount designated from each are as follows:

Carolyn Baldwin Tucker	\$2,000
Brenda Gilmore	\$1,000

RESOLUTION NO. RS2007-1743 (HODGE, TOLER) appropriates \$8,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Adult Literacy Council. This organization teaches reading to U.S.-born adults and English skills to adult immigrants in Davidson County. These funds will be used to provide books and educational materials to teach adults in Davidson County who read at low levels and/or have limited English ability.

The members of council requesting this grant and the amount designated from each are as follows:

Jim Hodge	\$5,000
Parker Toler	\$3,000

RESOLUTION NO. RS2007-1744 (WILLIAMS) – This resolution appropriates \$17,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Transit Authority (MTA) for implementation of the new BusLink Program. The funds will specifically be used to provide advertising for the new service and to subsidize the normal fares for the first month of operation. These funds are being appropriated from the same reserve account as the previous resolutions appropriating grant funds to nonprofit organizations.

RESOLUTION NO. RS2007-1745 (WHITMORE) appropriates \$18,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Hadley Park Junior Tennis Development Program, Inc. This organization provides free tennis training to children who would otherwise probably not be able to participate. These funds will be used to pay for part of the operational costs of the programs, including salaries and fringes, supplies, professional services, and office equipment.

RESOLUTION NO. RS2007-1746 (CRADDOCK) – This resolution appropriates \$30,280 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Police Department for the purchase and installation of a new surveillance camera and associated hardware. These funds are being appropriated from the same reserve account as the previous resolutions appropriating grant funds to nonprofit organizations.

RESOLUTION NOS. RS2007-1739 THROUGH RS2007-1748 (continued)

RESOLUTION NO. RS2007-1747 (ISABEL) appropriates \$40,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the Metropolitan Interdenominational Church to provide partial funding for its First Response Center. The First Response Center provides a wide range of HIV and substance abuse related services. These funds will be used to pay for insurance costs of the employees of the FRC Clinic. No part of these funds will be used to pay for any part of the religious activities of the Metropolitan Interdenominational Church itself.

RESOLUTION NO. RS2007-1748 (GILMORE, GREER & OTHERS) appropriates \$42,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Matthew Walker Comprehensive Health Center, Inc. This organization provides medical and dental care, in addition to wellness education programs to every patient who needs health care, regardless of their economic status. These funds will be used to pay for part of the cost to implement an electronic health record system to reduce the costs of maintaining paper patient charts.

The members of council requesting this grant and the amount designated from each are as follows:

Jason Alexander	\$5,000
Brenda Gilmore	\$5,000
Ronnie Greer	\$5,000
Walter Hunt	\$5,000
Ludye Wallace	\$5,000
Erik Cole	\$3,000
Pam Murray	\$3,000
Carolyn Baldwin Tucker	\$3,000
Edward Whitmore	\$3,000
Vivian Wilhoite	\$3,000
Buck Dozier	\$1,000
Diane Neighbors	\$1,000

There may be a proposed amendment reducing the amount of this appropriation.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2005-651 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to limit the types of traffic violations for which a vehicle may be towed by the Metropolitan police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the police department. This ordinance would provide that vehicles can be towed only when parked in violation of an ordinance or regulation and are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

ORDINANCE NO. BL2006-998 (WALLACE, RYMAN & OTHERS) – This ordinance amends the Metropolitan Code of Laws to prohibit any temporary or permanent encroachment in the public right-of-way without a permit from Metro. The code currently technically prohibits persons from placing encroachments into the right-of-way except when permitted by Metro. The code provides that the council may grant encroachments within the right-of-way by ordinance, and may grant aerial encroachments over the right-of-way by resolution. However, the ordinance does not define the term “encroachment”. Thus, an argument can be made that temporary encroachments, such as news racks, do not require a permit from Metro.

This ordinance would require that a permit be obtained from Metro for all permanent or temporary encroachments in the right-of-way, including signs, sandwich boards, vegetation, news racks, fences, and walls. Any person or entity requesting such an encroachment would be required to pay a permit fee of \$100 to Metro, and must provide a public liability insurance policy in an amount directed by the department of law holding Metro harmless from claims or damages arising from the installation or maintenance of the encroachment.

The department of law has raised several First Amendment concerns related to this ordinance. The legal department recommends that any such ordinance contain specific licensing criteria, establish time periods for deciding whether to grant or deny a permit, provide the cost basis for the permit fee, and specify whether the fee is per box or per entity. The legal department is currently working on a draft of a new ordinance modeled after news rack ordinances from other cities that have withstood legal challenge. It is anticipated that this new ordinance will be completed prior to the next filing deadline. The council office recommends that this ordinance be deferred so that the new ordinance can proceed.

ORDINANCE NO. BL2006-1266 (GILMORE) – This ordinance would reinstate the waiver of the 2.5% processing fee for payments made by credit or debit card for payments made by senior citizens to the Metro trustee for property taxes. State law mandates that local governments collect a credit or debit card processing fee not to exceed 5% when collecting funds on behalf of the government. However, this state law allows local governments to waive this processing fee, which the Metropolitan Government elected to do by ordinance in 2001. In June of 2006, the council approved an amendment to the 2001 ordinance to repeal the fee waiver for processing the credit and debit card payments, except in the case of point of sale transactions. A point of sale transaction is where the (continued on next page)

ORDINANCE NO. BL2006-1266 (continued)

goods or services are purchased directly from Metro face-to-face or "over the counter", such as payment for greens fees at Metro golf courses. The fee waiver was eliminated as a result of an abuse by mortgage companies that pay a large amount of property taxes by credit card. The credit card companies charge a fee for certain payments made by credit card, which Metro was having to absorb.

This ordinance would reinstate the credit card processing fee waiver only for property taxes paid by credit or debit cards by property owners 62 years of age and older. All other non-face-to-face transactions, including property tax payments made by phone or Internet by persons under 62 years of age, would still be charged a 2.5% processing fee added when paying by credit or debit card. The additional \$1 million savings to be realized from the credit card processing fee was used to balance the fiscal year 2007 operating budget.

The director of finance has refused to certify that funds are available for this ordinance since waiving the processing fee for senior citizens making property tax payments over the phone or Internet by credit card would substantially reduce the estimated \$1 million savings. Further, it would be very difficult for the trustee to verify whether property owners making payments over the phone were 62 years of age or older. A copy of the finance director's letter is attached to this analysis.

ORDINANCE NO. BL2006-1307 (WALLACE) – This ordinance amends the Metropolitan Code to delete the \$200.00 police department impound lot (tow-in lot) storage fee, except for those vehicles that are seized as a result of criminal activity. On June 27, 2006, the Council enacted Ordinance No. BL2006-1094 to implement an additional flat \$200.00 storage fee for vehicles stored at the tow-in lot over and above the daily storage charges. This fee was part of an increase in various fees charged by the Metropolitan Government to generate additional revenue needed to balance the operating budget. The fiscal year 2006-2007 operating budget relied on approximately \$23.8 million in "revenue enhancements" in order to balance the budget. The \$200 storage fee is currently not charged for items left less than two hours, or for stolen vehicles that are claimed by the owner within 24 hours. This ordinance would make the \$200 storage fee applicable only to those vehicles that are seized as a result of suspected criminal activity. If this ordinance is adopted, the fee would no longer apply to vehicles towed to the tow-in lot for minor infractions.

The director of finance submitted a letter to the council as to why he cannot certify the availability of funds for this ordinance. Since this ordinance was enacted as a revenue enhancement to balance the current operating budget, the police department would have to cut services to offset the lost revenue. A copy of the finance director's letter is attached to this analysis.

ORDINANCE NO. BL2006-1310 (JAMESON) – This ordinance authorizes a property tax exemption for nonprofit community and performing arts organizations. State law allows local governments to exempt property owned by nonprofit community and performing arts organizations from property taxes as a charitable or educational use of property. In order to qualify for the exemption, the community and performing arts organizations must meet specific criteria set out in the state law, including evidence of its nonprofit status, restrictions on the membership of the board of directors, a requirement that the organization notify the attorney general prior to the sale of any of the exempt property, and a requirement that the organization file an annual report with the property assessor stating the listing of activities and uses of the property, as well as the financial condition of the organization.

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ORDINANCE NO. BL2006-1310 (continued)

This ordinance simply makes the state law property tax exemption for nonprofit community and performing arts organizations applicable in Davidson County. This exemption would apply to arts organizations owning real property within the area of the Metropolitan Government, such as the Tennessee Performing Arts Center (TPAC). The council office has requested information from the property assessor's office regarding the estimated number of organizations this exemption will apply to.

ORDINANCE NO. BL2007-1312 (JAMESON, WALLACE & RYMAN) – This ordinance creates a new downtown central business improvement district (downtown CBID) for downtown Nashville to take the place of the existing CBID, which expires effective December 31, 2007. Central business improvement districts are permitted under state law and allow the imposition of an additional assessment on all property located within the area to provide enhanced services. Under state law, 51% of all real property owners must petition the government to create the district, representing two thirds of the assessed value within the area seeking designation. The council approved the creation of a downtown CBID in 1998, which was extended in 2002 to be effective through 2007. Last August, the council also approved the creation of a GCBID, which consists of a twenty-block section in the Gulch area.

A petition has been filed with the Metropolitan clerk signed by the requisite percentage of owners petitioning the Metropolitan Government for the creation of a larger downtown CBID, which would take the place of the current CBID. The downtown CBID area will consist of approximately ninety blocks whose boundaries are, basically, the Cumberland River to the east, Peabody Street to the south, Ninth Avenue South to the west, and Charlotte Avenue to the north. A district management corporation, called the Nashville District Management Corporation, Inc., will act as an advisory board to carry out recommendations for use of the special assessment revenues. The district management corporation will be governed by a board of directors consisting of eleven members. A member of the state senate and a state representative whose districts include the majority of the area contained within the downtown CBID are to be appointed by the speaker of the Senate and the speaker of the House of Representatives, respectively, as ex officio members during the time for which they are elected to office. The members of Council in whose district the GCBID are located will also be members of the board. The mayor shall appoint one member who shall serve for a three-year term, subject to renewal by the mayor. The district management corporation will appoint the remaining eight members to serve staggered three-year terms. Two of these members must be large property owners and at least two shall be small property owners. One of the members must be a commercial tenant.

The district management corporation will have the authority to acquire and maintain parking facilities, to acquire and maintain public improvements, and to acquire interests in real property. The corporation also will provide supplemental services such as promotion and marketing, advertising, health and sanitation, public safety, security services, recreation, cultural enhancements, and business recruitment and retention in the district. The district can employ persons and retain professional services to fulfill these purposes.

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ORDINANCE NO. BL2007-1312 (continued)

The ordinance authorizes an assessment equal to \$0.2361 per \$100 of assessed value to be collected by the district. The existing CBID special assessment is \$0.15 per \$100 of assessed value. This special assessment is essentially an additional property tax levy that will be collected by Metro beginning in 2008 at the same time other property taxes are collected. After collection, the funds will be returned to the district board, which is required to submit an annual report on how funds are expended. The Metropolitan Government cannot reduce urban services within the district as a result of the district having its own revenue and providing some of its own services. It is estimated that in the first year the special assessment revenue will be \$1,228,594.

This ordinance is very similar to the existing CBID ordinance. The only real changes involve the additional area to be included and the increased special assessment. The council office would point out that the method for approval of future increases to the special assessment is different from the existing CBID. Pursuant to the management plan, assessments will be subject to changes in the Nashville area consumer price index, but cannot exceed a 5% increase annually. This ordinance provides that an increase in the rate of assessment may be initiated by a resolution adopted by the district management corporation, which must be approved by the council after holding a public hearing. The existing CBID ordinance also requires that an increase in the rate of assessment be approved by a majority of the property owners representing at least two-thirds of the assessed value. This ordinance includes no such property owner approval. By signing the petition for the creation of this downtown CBID, the property owners essentially agreed to this method of increase.

The council must approve this district before it becomes effective, and must hold a public hearing prior to third reading. Since this ordinance is a "tax measure", the ordinance is amendable on third reading. Pursuant to this ordinance, the downtown CBID will be dissolved on January 1, 2018, unless further action is taken by the council to extend it.

The council office recommends that this ordinance be amended to include a provision expressly repealing the existing CBID provisions in the Code effective January 1, 2008.

ORDINANCE NO. BL2007-1313 (HAUSSER & BROWN) – This ordinance abandons a 10" sewer line and easement for property located at 511 Chesterfield Avenue. This sewer line and easement will be replaced with a new 8" sanitary sewer line on another part of the property. This ordinance has been approved by the planning commission.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2006-1178 (NEIGHBORS & TYGARD & OTHERS) – This zoning text change would designate “car wash” as a use permitted with conditions under the zoning code, rather than requiring car washes to be a part of a specific plan (SP) district. In March 2006, the Council enacted Ordinance No. BL2006-972 making most automotive uses no longer permitted in the commercial zoning districts. Rather, such uses have to be approved individually by the council as part of an SP district. The SP district was created by the council in September 2005 to give the council more control over how the property is developed than a straight zone change to another zoning district. The SP district is designed to be an alternative zoning process to address the unique characteristics of an individual property through a site specific plan. A detailed plan is to be created for each property, which must be followed by the developer.

This ordinance essentially puts car washes back in the same position they were in prior to the enactment of Ordinance No. BL2006-972, which is permitted with conditions. According to statements made by former Councilmember Amanda McClendon, the original sponsor of Ordinance No. BL2006-972, car washes were not intended to be included in the ordinance addressing automotive uses.

This ordinance also specifies certain conditions that must be met before a car wash can be permitted. These conditions are as follows:

1. The car wash would have to be set back at least fifty feet from any residential district.
2. The washing facilities must be located within an enclosed structure.
3. Car washes must be separated from adjacent property by a 6-8 foot tall masonry wall.
4. Hours of operation would be limited to 8:00 a.m. to 10:00 p.m. if the car wash is located within 100 feet of a residential district.
5. No outdoor loud speakers would be permitted.
6. No vehicles for sale may be parked on the premises.

This ordinance has been approved by the planning commission with a recommendation that the council address parking for automatic car washes. There may be amendments proposed for this ordinance incorporating some additional conditions for car washes recommended by the planning staff and prohibiting the use of local and collector streets for vehicular ingress and egress.

SUBSTITUTE ORDINANCE NO. BL2006-1185 (CRAFTON) – This ordinance amends the Metropolitan Code of Laws to declare English to be the official language of the Metropolitan Government, and to require that all government communications and publications be in English, with certain exceptions. State law currently establishes English as the official language of the State of Tennessee, and requires all communications and publications produced by governmental entities to be in English. This substitute ordinance essentially incorporates this state provision into the Metro code with the intent that the Metropolitan Government communicate in English first, except when required by federal law or when necessary to protect or promote public health, safety or welfare.

Prior to the introduction and adoption of the substitute ordinance, the department of law submitted a memorandum to the council raising several legal issues associated with the original version of the bill, which would have required all government communications to be in English only. Since this substitute ordinance is no longer “English-only” legislation, the council office is of the opinion that all legal issues raised by the department of law have been adequately addressed.

ORDINANCE NO. BL2006-1236 (SHULMAN) – This ordinance, as amended, amends the Metropolitan Code of Laws to increase the fee charged to wrecker driver permit applicants for background investigations. The code currently sets the fee for wrecker driver background checks at \$10.00. According to the transportation licensing commission, this fee only covers background checks to determine Davidson County criminal history, and that a more thorough background check is needed to protect public safety. This ordinance would increase the \$10.00 fee to \$40.00, and would authorize the transportation and licensing commission to adopt future increases to cover the investigation cost subject to approval of the council by resolution.

ORDINANCE NOS. BL2006-1277 (TOLER, COLEMAN & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into participation a agreement with Wood Ridge Development, LLC, to provide public sewer service to the Carothers Crossing urban design overlay subdivision in Davidson County. This is a typical agreement entered into by Metro acting through the department of water and sewerage services whereby private developers contribute a portion of the cost to extend or upgrade public water and sewer services. The funds collected pursuant to these agreements will be deposited into the water and sewer extension and replacement fund.

Pursuant to the agreement, the developer will purchase sewer capacity from the City of LaVergne to transport the sewage from the Davidson County portion of the development through Metro's collection and treatment system. The developer will be responsible for the capital cost of the required off site construction and will reimburse Metro for its cost to purchase the capacity in LaVergne's sewer system, which is estimated to be \$1,425,000. The developer further agrees to reimburse Metro at the rate of \$1,000 per connection for 3,000 sewer connections in addition to the fees currently assessed by Metro for this development.

ORDINANCE NO. BL2006-1305 (BROWN & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Cates-Kottas Development to provide public sewer service to section 14 of the Brookfield subdivision in Williamson County. The developer has agreed to contribute \$34,000 towards the cost of the project in aid of construction for a total of 17 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund.

This is a typical participation agreement entered into by the Metropolitan Government, acting through the department of water and sewerage services, whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service. The council has already approved previous agreements with this developer for sewer connections to homes in this same subdivision.

ORDINANCE NO. BL2006-1306 (WHITE, ISABEL & RYMAN) – This ordinance, as amended, authorizes the director of public property administration to exercise an option to purchase approximately 11 acres of property located at 1014 and 1015 Stones River Road to be used by the department of parks and recreation as part of the Stones River Greenway, and approves the grant of a conservation easement for the property to The Land Trust for Tennessee, Inc. This is the "Stone Hall" property currently owned by Gilbert Stroud Merritt, III, which is of great historical significance to Nashville dating back to the time when the property was a Native American hunting ground. This property was settled by Nashville founder Colonel John Donelson in the 1780s. Stone Hall was built on the property by Dempsey Weaver Cantrell shortly after the 1916 fire of Edgefield. A log cabin known as "Eversong" was moved to the property in the 1930s.

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ORDINANCE NO. BL2006-1306 (continued)

Metro has an option to purchase the Stone Hall tract and the Eversong tract for \$1,975,000, which represents the fair market value of the property. The funding for the purchase price consists of the following: \$800,000 from the Tennessee Department of Transportation; \$400,000 from Tennessee Department of Environment and Conservation; \$300,000 in private donations; and \$475,000 from Metro parks bond funds. The option agreement, and corresponding deed if the option is exercised, include a number of restrictive covenants that will "run with the land", meaning they remain on the property forever. These covenants include the following requirements:

- (1) That the property be preserved intact solely as a Metro greenways public park;
- (2) That none of the property will be developed for commercial or residential purposes;
- (3) That Stone Hall and Eversong will be preserved and that no more than 10,000 square feet be added onto the existing buildings;
- (4) That the proposed future development road connecting Central Pike to the adjoining 379-home development be located behind Stone Hall. Construction traffic for the proposed adjacent development would be allowed to use the new development road;
- (5) That the name of the park will remain the "Stone Hall Park and Nature Center", and that the name of the large stone house remain "Stone Hall" and the cabin by the river remain "Eversong";
- (6) That no buildings, gardens or other projects on the property may be named for any individual or organization; and
- (7) That two bronze plaques shall be erected and maintained at Metro's expense. The precise wording for the plaques is included as an exhibit to the deed. One plaque is to provide a history of the property and the other plaque thanks the Judge Gilbert Stroud Merritt family.

The deed also requires that Metro lease Mr. Merritt the Stone Hall residence for six months and the remainder of the property for one year at no cost.

This ordinance also grants a perpetual conservation easement to The Land Trust for Tennessee, Inc., to enable The Land Trust to oversee the preservation of the Stones Hall historic structure, the preservation of the remainder of the property for passive outdoor recreation and education of the public, and the preservation of the natural habitat and open space.

This ordinance has been approved by the board of parks and recreation and the planning commission.

ORDINANCE NO. BL2006-1308 (FORKUM & RYMAN) – This ordinance amends the Metropolitan Code to make persons operating motorized wheelchairs or scooters subject to the same regulations and privileges provided by the code to pedestrians. The Metro Code currently defines pedestrian as "any person afoot." Pedestrians crossing a roadway are required by the code to use a marked crosswalk where available, and when not available, are required to yield to vehicles on the roadway. Since persons operating motorized wheelchairs are not afoot, they are technically not subject to the regulations and protections in the code applicable to pedestrians. Concerns have been expressed regarding the safety of persons in motorized wheel chairs crossing busy thoroughfares at places other than crosswalks. This ordinance simply makes the pedestrian provisions in the code apply to persons with a mobility impairment operating a motorized wheelchair or similar vehicle.

ORDINANCE NO. BL2006-1309 (WALLACE) – This ordinance amends the Metropolitan Code provisions pertaining to the naming of streets and roads to remove the requirement that a person be deceased for two years before a street could be named in their honor. In 1993, the council enacted the existing street naming ordinance as a result of a study group involving members of council and the administration in an effort to create a uniform policy governing the naming of public rights-of-way. Under the current ordinance, there are to be no honorary street signs, no streets named for a living person, and a waiting period of two years must pass before naming a street after a person who is deceased. This ordinance would retain the prohibition on naming a street after a living person, but would delete the two year waiting period.